

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

INDIAN HARBOR INSURANCE
COMPANY,

Plaintiff/Counterclaim Defendant,

v.

CLIFFORD ZUCKER, in his capacity as
Liquidation Trustee for the Liquidation Trust
of Capitol Bancorp Ltd. and Financial
Commerce Corporation,

Defendant/Counterclaim Plaintiff

and

JOSEPH D. REID, CRISTIN K. REID, and
BRIAN K. ENGLISH,

Defendants.

Civil Action No.: 1:14-cv-01017

Hon. Janet T. Neff

**DECLARATION OF LESLIE S. AHARI IN SUPPORT OF
INDIAN HARBOR INSURANCE COMPANY'S MOTION FOR
SUMMARY JUDGMENT ON COUNTS I AND II OF ITS COMPLAINT
AND ON THE COUNTERCLAIM FILED BY THE LIQUIDATION TRUSTEE**

I, Leslie S. Ahari, am a partner of Troutman Sanders LLP, counsel to plaintiff and counterclaim defendant Indian Harbor Insurance Company (“Indian Harbor”). I am over twenty-one years of age and am fully competent to make this declaration. On personal knowledge and pursuant to 28 U.S.C. § 1746, I declare as follows:

1. Attached as Exhibit A is a true and correct copy of certain pages of Capitol Bancorp’s Form 10-K for the fiscal year ended December 31, 2009 as published at <http://www.sec.gov/Archives/edgar/data/840264/000084026410000016/form10k.htm>.

2. Attached as Exhibit B is a true and correct copy of certain pages of Capitol Bancorp’s Form 10-K for the fiscal year ended December 31, 2012 as published at <http://www.sec.gov/Archives/edgar/data/840264/000084026413000013/form10k.htm>.

3. At no time during the period from December 2013 through January 2014 did Capitol Bancorp inform XL Insurance, Indian Harbor or its counsel of its “extensive negotiations” with the Creditors’ Committee; of the Settlement Agreement entered into between Capitol Bancorp and the Creditors’ Committee on December 31, 2013; of the Amended Plan filed by Capitol Bancorp on January 27, 2014; or of the entry of the Bankruptcy Court’s Order confirming the Plan on January 29, 2014.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 17, 2015

/s/ Leslie S. Ahari

Leslie S. Ahari